IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 1655 OF 2002

BETWEEN

1. Laxmi Prasad Sahu S/o Devi Dayal Sahu, aged about 35 years, R/o C/o Usha Sav Clinic, Ayodhyapuri, Post Office Jamnipali, District Korba (CG).

2. Pawan Kumar Panjwani S/o Shanker Lal Panjwani, aged about 37 years, R/o Main Road, Korba (CG).

PETITIONERS

P.R. No. 1696/2
Presented by Shri M.K. Bhatt
dated 19.8.02

AND

1. The State of Chhattisgarh, Through the Secretary Department of Health and Family Welfare, Mantralay, D.K.S. Building, Raipur.

2. The State of Madhya Pradesh , Through the Secretary Department of Health and Family Welfare Mantralay, Vallabh Bhawan, BHOPAL (MP).

3. The M.P.Board of Ayurvedic and Unani System of Medicine and Naturopathy , Bhopal (MP). Through the Registrar, Shyamla Hills, Bhopal (MP).

4. The Chhattisgarh Board of Ayurvedic and Unani System of Medicine and Naturopathy , Raipur, Through the Registrar, RAIPUR.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.1655 / सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.02.2003 Shri Prashant Mishra, counsel for the petitioners. Shri D.R.Agrawal, Dy. A.G. for respondents No.1. None for respondents No.2, 3 & 4. Since a common question is involved in this writ petition, on the prayer of the learned counsel for the parties, it is heard and is being disposed of at the admission stage. In view of the limited nature of the prayer made at the time of hearing, which is for a direction to the respondent No.4 to consider the question of registration of the petitioner in accordance with the rules, regulations and guidelines governing the field, no useful purpose will be served in keeping this writ petition pending, which on the prayer of learned counsel for the parties, is being disposed of at the admission stage. According to the petitioners, they have acquired Vaidya Visharad and Ayurved Ratna qualification from Hindi Sahitya Sammelan, Prayag – Allahabad and on the basis thereof, they had approached respondent No.4 for issuance of a form so as to enable them to apply for registration, but the said respondent No.4 did	

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 1655/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

not issue any form with the result that they have not been able to get themselves registered as Pharmacists. Aggrieved therewith, the petitioners are before this Court.

In support of their claim for registration, reliance is placed on a decision of the M.P. High Court in M.P. No.287/1990 (Sekhar Jain –Vs- State of M.P.) and Chhattisgarh High Court in W.P.No.558/2001 (Zehirulla Khan & another - Vs – State of Chhattisgarh & others), copies whereof are annexed as P/1 & P/13 to the writ petition. In rebuttal, the State has relied on the judgment of the Supreme Court in the case of State of Rajasthan - Vs - Lata Arun, 2002 A.I.R. S.C.W. 2966. However, in view of the limited nature of the prayer made, it is not necessary to go into the merits of the case.

Accordingly, in view of the prayer made at the time of hearing, the writ petition is disposed of by directing the respondent No.4 to issue appropriate forms to each petitioner, so as to enable them to apply for registration. It is made clear that the issuance of a form under the direction of a Court is not to be construed as a direction requiring the said respondent to grant registration to the

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

W.P. मामला क्रमांक 1655/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioners. The question of their registration will have to be decided on merits by the respondent No.4 in accordance with the rules, regulations and guidelines governing the field and in case the authorities come to the conclusion that under the said rules, regulations and guidelines the petitioners are not entitled for registration, this order shall not preclude them from passing appropriate orders to that effect.

With the aforesaid observations and directions, M.W.P.No.768/2002 for interim relief and I.A.5422/2002 for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-
P.C.Naik
Judge

Anjani
19/2
21/8/10

[पीछे देखिये